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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,481	08/01/2003	Homayoun Talieh	NT-277-US	3016

7590

11/04/2004

NuTool Inc.
Legal Department
1655 McCandless Drive
Milpitas, CA 95035

EXAMINER

THOMAS, DAVID B

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,481	Applicant(s) TALIEH ET AL.	
	Examiner David B. Thomas	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 and 22-29 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,21 and 30 is/are rejected.
- 7) ☒ Claim(s) 2,5-7 and 9-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 is a duplicate of claim 3.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al. (6,790,128).

Taylor et al. ('128) disclose an apparatus for polishing a workpiece comprising: a polishing member configured to polish the workpiece; a support structure coupled to the polishing member and configured to move the polishing member to polish the workpiece; and wherein the support structure includes at least one curved fluid bearing coupled to the polishing member and configured to support the polishing member while

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it is moved to polish the workpiece; further comprising a pressure regulator configured to control pressure of a fluid exhausted from the fluid bearing.

4. Claims 1, 3, 4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kao et al. (6,126,527).

Kao et al. ('527) disclose an apparatus for polishing a workpiece comprising: a polishing member configured to polish the workpiece; a support structure coupled to the polishing member and configured to move the polishing member to polish the workpiece; and wherein the support structure includes at least one curved fluid bearing coupled to the polishing member and configured to support the polishing member while it is moved to polish the workpiece; further comprising a pressure regulator configured to control pressure of a fluid exhausted from the fluid bearing; and/or further comprising a temperature regulator configured to control temperature of a fluid exhausted from the fluid bearing.

5. Claims 21 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (5,473,433).

Miller ('433) discloses integrated circuits. The examiner notes claims 21 and 30 are product-by-process claims. As such, product-by-process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps. (see MPEP 2113).

Allowable Subject Matter

6. Claims 2, 5-7, and 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 14-20 and 22-29 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: It is the examiner's opinion that the limitation wherein the fluid bearing supports the polishing member over a region where the polishing member plane of travel changes from a first plane to a second plane, has neither been anticipated nor fairly suggested, in part or whole, by the prior art of record.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jairath et al., Saldana et al., Taylor et al., Weldon et al., and Xu et al. each disclose a wafer polishing device. Baker et al., Chooi et al., Easter et al., Hashimoto et al., Jacquinet et al., Leach, Lim et al., Mayer, Miller, Nakabayashi et al., Okamoto et al., Shu et al., and Vines et al. each discuss the manufacture of integrated circuits.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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David B. Thomas
Patent Examiner
Art Unit 3723

dbt